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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,173	06/13/2001	Tomoyuki Asano	09792909-5110	7206
26263	7590	10/20/2005	EXAMINER	
SONNENSCHN NATH & ROSENTHAL LLP			POINVIL, FRANTZY	
P.O. BOX 061080			ART UNIT	
WACKER DRIVE STATION, SEARS TOWER			PAPER NUMBER	
CHICAGO, IL 60606-1080			3628	

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/880,173

Applicant(s)

ASANO, TOMOYUKI

Examiner

Frantzy Poinvil

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. There appears to be an error in the identification of the response filed 7/11/2003. The first page of the response to the office action of 4/8/2003 is correct in properly identifying the instant application. However, a reference is made on top of pages 2-7 identifying the instant response for patent application Serial Number 9/188,831 and a response to an Office action dated August 14, 2002. Since the instant response was timely filed in relation to the prior Office action and arguing the applied reference, the Examiner will treat the instant response as a proper response and accept the noted misidentification of pages 2-7 as a typographical error.
2. Applicant's arguments are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fox et al. (US Patent No. 6,560,581).

As per claims 17, 21 and 25, Fox et al disclose a system and method for accounting for a fee concerning service provided to a user by a service provider such as merchant. The system and method comprise step or means for:

Receiving from the service provider a charge collection request based on a service request sent from the user to the service provider (column

Informing the charge collection to the user based on the charge collection request received from the service provider and

Verifying validity of the charge based on the service request and digital signature based on the service request.

Applicant is referred to column 24, line 31 to column 26, line 2 of Fox et al.

Fox et al does not explicitly teach “when an objection to the fee is received from the user”, performing the verifying function. As per this limitation, the Examiner asserts that in most transactions, the consumer is usually presented with a statement acknowledging a purchase order or verifying that the costs or charges made by a merchant are correct before proceeding with making an actual payment. An objection to the costs, charges or fees would have then been made by the purchaser or buyer. Performing the same function in the system of Fox et al. would have been obvious to one of ordinary skill in the art in order to prevent disputes between all involved parties in the transaction.

As per claims 18 and 20, 22 and 24, 26 and 28, Fox et al disclose the service request and the digital signature are provided from the user and/or from the service provider. Note also column 24, line 31 to column 26, line 2 of Fox et al.

As per claims 19, 23 and 27, the service request and the digital signature for verifying are provided via a storage medium connectable to a user terminal. See column 24, line 31 to column 26, line 2 and figure 18 of Fox et al.


Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FP
September 29, 2005


FRANTZY POINVIL
PRIMARY EXAMINER
Au 3628